

AMENDED IN ASSEMBLY MARCH 1, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 99**

**Introduced by Assembly Member Cohn**

(Principal coauthor: Senator Alquist)

*(Coauthors: Assembly Members Levine, Lieber, and Montanez)*

January 11, 2005

---

An act to amend Sections 6345 and 6361 of the Family Code, relating to protective orders.

LEGISLATIVE COUNSEL'S DIGEST

AB 99, as amended, Cohn. Protective orders: expiration.

Under existing law, in the discretion of the court, the personal conduct, stay-away, and residence exclusion orders contained in a court order issued after notice and a hearing may have a duration of not more than 3 years, subject to termination or modification by further order of the court, as specified. *These orders may be renewed either for 3 years or permanently.*

This bill would provide that these protective orders may have a duration of not more than ~~10~~ 5 years, in the discretion of the court, *and may be renewed either for 5 years or permanently.* The bill would make an additional conforming change.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6345 of the Family Code is amended to  
2 read:

1     6345. (a) In the discretion of the court, the personal conduct,  
2 stay-away, and residence exclusion orders contained in a court  
3 order issued after notice and a hearing under this article may  
4 have a duration of not more than ~~10~~ *five* years, subject to  
5 termination or modification by further order of the court either on  
6 written stipulation filed with the court or on the motion of a  
7 party. These orders may be renewed, upon the request of a party,  
8 either for ~~three~~ *five* years or permanently, without a showing of  
9 any further abuse since the issuance of the original order, subject  
10 to termination or modification by further order of the court either  
11 on written stipulation filed with the court or on the motion of a  
12 party.

13     (b) Notwithstanding subdivision (a), the duration of any  
14 orders, other than the protective orders described in subdivision  
15 (a), that are also contained in a court order issued after notice and  
16 a hearing under this article, including, but not limited to, orders  
17 for custody, visitation, support, and disposition of property, shall  
18 be governed by the law relating to those specific subjects.

19     (c) The failure to state the expiration date on the face of the  
20 form creates an order with a duration of three years from the date  
21 of issuance.

22     SEC. 2. Section 6361 of the Family Code is amended to read:

23     6361. If an order is included in a judgment pursuant to this  
24 article, the judgment shall state on its face both of the following:

25     (a) Which provisions of the judgment are the orders.

26     (b) The date of expiration of the orders, which shall be not  
27 more than ~~10~~ *five* years from the date the judgment is issued,  
28 unless extended by the court after notice and a hearing.